

United States District Court
Central District of California

ANTWAREN ROBERTS,
Plaintiffs,
v.

Case No. 2:13-cv-07461-ODW (JCx)

CALIFORNIA DEPARTMENT OF
CORRECTIONS, J. BROWN, T. RODIN
(#56159), E. NIXON (#79734), S.
HOLDER (#77625), E. PEREZ (#71336),
E. RAMOS (#57029), G. CALDERON
(#75622), B. CAMACK (#74448), D.
SOTO (#59309), M. BLANKENSHIP
(#71326), A. RODRIGUEZ (#76993),
RON HUGHES (#44815), K. SMITH
(#44815), TODD LANSFORD (#70462),
ARBI MASHI KAMALI; DANNY
LEVA, and DOES 1–50
Defendants.

**ORDER GRANTING IN PART
PLAINTIFF’S EX PARTE
APPLICATION FOR
ENLARGMENT OF TIME TO FILE
SECOND AMENDED COMPLAINT
[69]**

On April 1, 2014, the Court granted in part Defendants’ Motion to Dismiss and provided Plaintiff with 14 days to amend his Complaint. (ECF No. 67.) Plaintiff thus

1 had until April 15, 2014, to file any second amended complaint. On that day, Plaintiff
2 filed this Ex Parte Application, noting that his counsel attempted to file the amended
3 complaint via CM/ECF but discovered that she had to manually file it in the Clerk's
4 Office. (ECF No. 69.) Given that the Court had closed for the evening, Plaintiff was
5 unable to meet the deadline. Plaintiff therefore seeks an additional week to file his
6 second amended complaint.

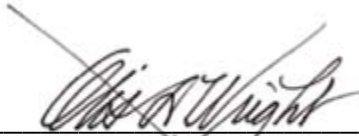
7 Plaintiff's counsel is mistaken; a party may file an amended complaint via
8 CM/ECF. It is only initiating documents—such as an original complaint—that a party
9 must usually manually file in the Clerk's Office. L.R. 3-2. According to the Court's
10 preliminary review of the purported second amended complaint, it does not appear
11 that Roberts is alleging any new claims—which of course the Court did not give him
12 leave to do. The second amended complaint therefore does not constitute a claim-
13 initiating document and may be electronically filed.

14 The Court is hesitant to excuse a party's inability to read and comply with the
15 Local Rules or to troubleshoot any electronic-filing problems. There is a CM/ECF
16 help desk available for attorneys at (213) 894-0242. But the Court is aware that
17 Plaintiff at least could have filed his second amended complaint on time, given the
18 date of the Ex Parte Application. The Court further notes that Defendants have not
19 opposed Plaintiff's request.

20 The Court therefore **GRANTS** Plaintiff's Ex Parte Application **IN PART**.
21 (ECF No. 69.) Plaintiff shall file his second amended complaint electronically by
22 11:59 p.m. on **Friday, April 18, 2014**.

23 **IT IS SO ORDERED.**

24
25 April 17, 2014

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OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE